

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
: PETITION REGARDING
Plaintiff, : OWNERSHIP INTEREST
: IN FORFEITED PROPERTY
- v. - :
MICHAEL SCRONIC, : Case No. 18 Cr. 43 (CS)
: Defendant. :
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Now Comes the Stratton Springs Condominium Association, Inc. (the “Association”), by and through its counsel, MSK Attorneys, and respectfully submits this Petition pursuant to 21 U.S.C. § 853(n).

1. The Association is a Vermont non-profit corporation with a principal place of business in Stratton, Vermont.

2. No earlier than May 2, 2018, the Association received written notice from Assistant U.S. Attorney James McMahon that an Association member, Mr. Michael Scronic, the Defendant in the above-captioned action, had consented to the forfeiture of certain property, including his Stratton Springs condominium (the “Property”), also located in Stratton, Vermont.

See Exhibit A hereto (May 2, 2018 letter from Mr. McMahon, minus enclosures).

3. The Association claims an interest in the Property pursuant to 27A V.S.A. § 3-116(a) and (c) of the Vermont Common Interest Ownership Act (“VCIOA”).

4. Sections 3-116(a) and (c) of VCIOA impose statutory liens against the Property for all assessments owed by Mr. Scronic to the Association.

5. In addition, per VCIOA Section 3-116 and the Association's Declaration, the statutory lien includes the Association's reasonable attorneys' fees incurred in the enforcement of the lien, plus late fees and interest.

6. VCIOA Section 3-116(c) imposes a six-month, super-priority lien that has priority over all other liens of record.

7. VCIOA Section 3-116(a) imposes a general and unlimited lien superior to all liens other than those described in 27A V.S.A. § 3-116(b).

8. Mr. Scronic currently owes the Association \$2,551.05 for past due assessments and late fees, plus \$540.00 in legal fees, for a total of \$3,091.05. See Exhibit B hereto, the Affidavit of Michael Taylor dated May 24, 2018.

9. Pursuant to VCIOA and the Association's Declaration, Mr. Scronic remains liable for all subsequent costs, assessments and legal fees until such time as title passes to a new owner.

10. Accordingly, the Association claims an interest in the Property by virtue of its statutory liens in the amount of \$3,091.05, plus future assessments, costs, late fees, and legal fees.

11. The Association further requests that if a hearing on its claimed interest in the Property is deemed necessary, that the Association and its counsel be allowed to appear by phone, with the understanding that if the Association wishes to rely on any evidence other than the attached affidavit, it will need to appear in person.

12. Finally, the Association requests notice as to the date that title in the Property vests in the government and Mr. Scronic is no longer the owner of record.

DATED at Burlington, Vermont, this 30th day of May, 2018.

Respectfully submitted,

MSK ATTORNEYS

By: /s/ Daniel A. Seff
Daniel A. Seff, Esq.

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*Attorneys for Petitioner the Stratton Springs
Condominium Association, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that today I electronically filed with the Clerk of Court the above Petition Regarding Ownership Interest in Forfeited Property, together with Exhibits A and B thereto.

The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

- James McMahon, Esq., attorney for Plaintiff, United States of America;
- Rachel Martin Esq., attorney for Defendant, Michael Scronic; and
- Susanne Brody, Esq., attorney for Defendant, Michael Scronic.

DATED at Burlington, Vermont, this 30th day of May, 2018.

Respectfully submitted,

MSK ATTORNEYS

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